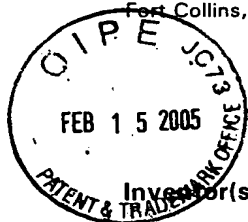


IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE



Inventor(s): D. Amnon Silverstein

Confirmation No.: 9186

Application No.: 09/843,755

Examiner: N.D. Nguyen

Filing Date: April 30, 2001

Group Art Unit: ~ 2179

Title: METHOD AND APPARATUS FOR VIRTUAL OVERSIZED DISPLAY USING A SMALL  
PANEL DISPLAY AS A MOVABLE USER INTERFACE

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TRANSMITTAL OF APPEAL BRIEF

Sir:

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on Dec. 15, 2004.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

( ) (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

( ) one month	\$120.00
( ) two months	\$450.00
( ) three months	\$1020.00
( ) four months	\$1590.00

( ) The extension fee has already been filled in this application.

(X) (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of \$500.00. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

Date: Feb. 15, 2005

I hereby certify that this document is being filed by personal delivery to the Customer Service Window, Crystal Plaza 2, 2011 South Clark Place, Arlington, Virginia, of the United States Patent & Trademark Office on the date indicated above.

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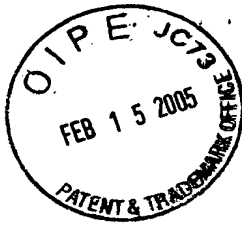


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I. Real Party in Interest

The present application is assigned to Hewlett-Packard Development Company L.P.

II. Related Appeals and Interferences

The Appellants' legal representative, or assignee, does not know of any other appeal, interferences or judicial proceedings which will affect or be directly affected by or have bearing on the Board's decision in the pending appeal.

III. Status of Claims

The claims currently pending in this application are claims 1-17, all of which stand finally rejected. Claims 1-17 are being appealed.

IV. Status of Amendments

No amendment was filed after final rejection.

V. Summary of Claimed Subject Matter

The present invention is generally directed to providing an improved user interface for enhancing the manner by which information is entered into a database and later accessed from the database, such as a method and movable display for displaying information related to a physical document. Exemplary embodiments include the use of an overlay, in the form of a flat digital display, which can be moved about a surface (paragraph [0013] on specification page 3, lines 14 et. seq.). An exemplary movable display is adapted to permit a large image to be viewed using a relatively small, portable display that can be navigated about the larger image (abstract).

As described in Appellant's specification at paragraph [0014] on pages 3-4, Appellant's Figures 1A and 1B show an exemplary embodiment, wherein a "movable

display", such as a movable display 100 is provided. The movable display 100 has a display screen 102, such as the display screen included in hand-held display apparatus such as the HP Jornada <sup>TM</sup> (paragraph [0013]). The movable display can be moved about a first surface 104, such as a table or other surface.

Appellant's specification describes an exemplary movable display which includes structural elements; namely, means for detecting movement of the movable display (paragraph [0017] on pages 4-5) relative to the first surface using, for example, a transducer 108 (e.g., page 4, line 4). The detected movement of the movable display 100 (e.g., page 5, lines 1-5) relative to the surface is correlated to a position on a digitally stored image, such as the stored image of Figure 1A, so that information associated with that position can be extracted and presented on the display screen 102 of the movable display 100 (paragraph [0018]).

The foregoing features and advantages are broadly encompassed by Appellant's independent claims 1 and 10. For example, Appellant's claim 1 is directed to a "movable display". Claim 1 recites means for detecting movement of the movable display (e.g., page 4, line 1) relative to the first surface; and means for correlating movement of the movable display (e.g., page 5, lines 1 and 2) to information representing a portion of a first image stored in a database (paragraph [0018]), and for presenting information on the movable display (paragraph [0019]).

An exemplary method includes detecting movement of a movable display relative to a first surface (e.g., page 4, lines 1 and 2), correlating movement of the movable display to information representing a portion of a first image stored in a database, and presenting the information on the movable display (paragraph [0015]), as encompassed by claim 10 and exemplified in Appellant's Figure 2. Such a combination of features is neither taught nor suggested by the Berteig patent, considered alone or in combination with the Cobbley or Singh patents relied upon by the Examiner.

## VI. Grounds of Rejection to be Reviewed on Appeal

The final Office Action presents the following issues for a review on this appeal:

- A. Whether claims 1-15 are anticipated by U.S. Patent No. 6,348,936 (Berteig);
- B. Whether claim 16 is unpatentable over the Berteig patent in view of U.S. Patent No. 6,501,464 (Cobbley et al.);
- C. Whether claim 17 is unpatentable over the Berteig patent in view of U.S. Patent No. 6,359,615 (Singh);

## VII. Argument

Claims 1 and 10 are the sole independent claims pending. Independent claims 1 and 10 recite features neither taught nor suggested by any of the references relied upon by the Examiner. For example, none of the references relied upon by the Examiner are directed to a movable display. Further, none of the references relied upon by the Examiner, considered individually or in combination, are directed to means for detecting movement of the movable display relative to a first surface and means for correlating movement of the movable display to information representing a portion of a first image stored in a database as recited in claim 1. None of the references relied upon by the Examiner, considered alone or in combination, teach or suggest presenting the information on the movable display.

The rejection based on the Berteig patent cannot stand because the patent fails to either expressly or inherently disclose a number of features recited in independent claims 1 and 10. Additionally, the dependent claims recite combinations of features defining combinations of separately patentable subject matter not disclosed in the patent. To anticipate the claimed invention, the cited references must disclose each and every feature set forth in the claimed combination of features (see, MPEP § 2131).

Dependent claims 16 and 17 are rejected as being unpatentable in the final Office Action. For example, in numbered paragraph 6 of the final Office Action, claim 16 was rejected under 35 U.S.C. §103 as being unpatentable over the Berteig patent in view of the Cobbley et al. patent; and in numbered paragraph 7, claim 17 was rejected as unpatentable over the Berteig patent in view of the Singh patent.

The obviousness-based rejections based on the Berteig patent in view of the Cobbley et al. patent and the Singh patent cannot stand because they fail to teach or suggest all features of claim 10. Additionally, the dependent claims recite combinations of features defining combinations of separately patentable subject matter not taught or suggested in the patents. To render obvious the claimed subject matter, the prior art reference must teach or suggest all the claim limitations (see, MPEP § 2143).

A. The Berteig Patent Does Not Teach or Suggest Each And Every Element Recited In The Claims.

The Berteig patent is not directed to a movable display for presenting information on the movable display. The Berteig patent discloses a graphic object called a slider 415. However, the Berteig patent does not teach or suggest a movable display for presenting information on the movable display.

On page 6 of the final Office Action, the Examiner sets forth a response to Appellant's previous assertions that the display of the Berteig patent, the primary reference relied upon in the Office Action, is not described as being movable relative to a first surface. The Examiner appears to acknowledge that although the Berteig patent does not describe an apparatus that constitutes a movable display, this reference still reads on the language of independent claims 1 and 10. More particularly, the Examiner asserts on page 6 of the Office Action:

The Berteig reference still reads on the claim language of claims 1 and 10. Since "display" means "a presentation of something in open view" "movable display" can be interpreted as a movable presentation. In fig. 4 (col. 4, lines 6-34), navigating between position A and B can make the display document (or presentation) movable by jumping back and forth between pages 3 and 7 relative to the display monitor screen (first surface). Therefore, Berteig does teach "means for detecting movement of the movable display relative to a first surface".

The Examiner's attempt to broadly interpret the claim 1 apparatus, which is directed to a "movable display", as a "presentation of something in open view" is improper. The claim is directed to an apparatus which includes, among other features, a "means for detecting" and a "means for correlating". The "movable display" to which the claim is directed constitutes a movable device and, contrary to the Examiner's assertion, cannot be broadly construed as a movable image that represents a "presentation of something in open view". The Examiner's definition improperly corresponds to use of the term "display" as a verb, rather than as a noun as claimed.

Moreover, the dependent claims support an interpretation that the "movable display" of independent claims 1 and 10 constitutes an apparatus which is movable relative to a first surface. For example, each of the dependent claims 2-9 recite additional structural features of the claim 1 apparatus. Dependent claims 11-17 recite structural aspects of the claim 10 "movable display." Thus, all of the claim limitations require a construction of the phrase "movable display" as an apparatus, which is movable relative to a first surface, a feature which is neither taught or suggested by the movable image of the Berteig patent.

The Examiner responds to these points at page 2 of the Advisory Action:

The Berteig reference still reads on the claim language of claims 1 and 10. Since "display" means "a presentation of something in open view", "movable display" can be interpreted as a movable presentation. In fig. 4 (col. 4, lines 6-34), navigating between position A and B can make the display document (or presentation) movable by jumping back and forth between pages 3 and 7 relative to the display monitor screen (first surface). Therefore, Berteig does teach "means for detecting movement of the movable display relative to a first surface".

As for fig. 4, when a user moves the movable display slider 415, the system detects the movement of the movable display slider relative to a first surface, which is relative to the position of the display window 405.

The Examiner thus asserts that the Berteig reference discloses means for detecting movement of a movable display relative to a first surface.

This assertion is traversed. The Berteig patent is not directed to an apparatus configured as a movable display. The Examiner refers to Figure 4 and column 4, lines 6-34 of the Berteig patent. This portion of the Berteig patent describes a movable image as a software icon, represented as a slider 415 of Figure 4. The slider 415 is presented within the display as an image of a rectangular box, which is vertically movable up and down along the scroll bar 410 within the displayed information. The height of the slider 415 relative to the top and bottom of the scroll bar 410, which is also presented as an image within the display, corresponds to a relative page position within a word processing document displayed within the document display window 405.

Thus, the Berteig patent does not teach or suggest an apparatus configured as a movable display, nor does this document teach or suggest any means for detecting movement of a movable display relative to a first surface. The display device of the Berteig patent is not described as being movable relative to a first surface. Rather, at best, the slider 415 is an image that is moved within the display region, and is therefore moved within the first surface.

The Berteig patent simply fails to teach or suggest means for detecting movement of a movable display relative to a first surface as recited in Appellant's claim 1.

The Examiner further asserts at page 2 of the Advisory Action:

The system then correlates movement of the movable display slider 415 to information representing a portion of a first image stored in a database (page 3 and page 4 in fig. 4 are information representing a portion of a first image 405 correlating movement of the movable display slider 415), and for presenting the information on the movable display slider 415.

The Examiner thus asserts that the Berteig reference discloses means for correlating movement of a movable display to information representing a portion of a first image stored in a database.



This assertion is respectfully traversed. The slider 415 as disclosed by the Berteig patent is an image that is moved within the display region, and is therefore moved within the first surface. Because the slider 415 is included in the display, there is no correlation of movement of a movable display to information representing a portion of the first image stored in a database. As such, the Berteig patent fails to teach or suggest means for correlating movement of the movable display to information representing a portion of a first image stored in a database as further recited in Appellant's claim 1.

The Examiner ultimately concludes that the Berteig patent teaches a movable display "for presenting the information on the movable display slider 415." To the contrary, the Berteig patent does not disclose or suggest a movable display for presenting information representing a portion of a first image. Rather, the Berteig patent shows a document display window 405 to separately display the true "document" (col. 4, lines 33-34). The slider 415, which the Examiner identifies as the "display," does not display information representing a portion of a first image as claimed, but merely indicates the page number of the corresponding document display in a separate display window 405 (col. 4, lines 23-24). Further, the document display window 405 is fixed in position and does not slide along with the slider 415. At best, the page indicator shown in the slider 415 is merely a page indicator, but does not serve as the claimed information representing a portion of a first image. Accordingly, the Berteig patent does not teach or suggest presenting information on a movable display as claimed.

Claim 10 is directed to a method for displaying information related to a physical document and includes, among other features, detecting movement of a movable display relative to a first surface. Claim 10 also recites correlating movement of the movable display to information representing a portion of a first image stored in a database, and presenting the information on a movable display. For reasons similar to those discussed with respect to claim 1, claim 10 is neither taught nor suggested by the Berteig patent.

For at least these reasons, the Berteig patent does not teach or suggest each and every element of claims 1 and 10. Accordingly, the rejection based on the Berteig patent should be reversed.

**B. The Cobbley et al. Patent Fails To Cure the Deficiencies of Berteig.**

Claim 16 depends from claim 10. Claim 10 recites a method for displaying information related to a physical document in which information representing a portion of a first image is presented on the movable display. The Cobbley et al. patent is not directed to a method for displaying information related to a physical document in which information representing a portion of a first image is presented on a movable display.

The Cobbley et al. patent describes a graphical user interface in the form of a transparent keyboard overlaid on an information display. This patent is not directed to a method for displaying information related to a physical document in which information representing a portion of a first image is presented on a movable display.

For at least these reasons, the Cobbley et al. patent fails to cure the deficiencies of Berteig. Accordingly, the rejection based on the Berteig patent in view of Cobbley et al. patent should be reversed.

**C. The Singh Patent Fails To Cure the Deficiencies of Berteig.**

Claim 17 depends from claim 10. Claim 10 recites a method for displaying information related to a physical document in which information representing a portion of a first image is presented on the movable display.

The Singh patent also fails to teach or suggest a method for displaying information related to a physical document in which information representing a portion of a first image is presented on the movable display. This patent discloses detecting a sliding movement of an icon (col. 4, lines 41-47). The Singh patent is not directed to a method for displaying information related to a physical document in which information representing a portion of a first image is presented on a movable display.

For at least these reasons, the Singh patent fails to cure the deficiencies of Berteig. Accordingly, the rejection based on the Berteig patent in view of Singh patent should be reversed.

VIII. Claims Appendix

See attached Claims Appendix for a copy of the claims involved in the appeal.

IX. Conclusion

For the reasons discussed above, appellants respectfully submit that the Examiner's decision finally rejection claims 1-17 should be reversed.

Respectfully submitted,

Burns, Doane, Swecker & Mathis, L.L.P.

Date February 15, 2005

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## CLAIMS APPENDIX

### The Appealed Claims

1. A movable display comprising:

means for detecting movement of the movable display relative to a first surface; and

means for correlating movement of the movable display to information representing a portion of a first image stored in a database, and for presenting the information on the movable display.

2. Movable display according to claim 1, wherein the detecting means is a transducer included within the movable display.

3. Movable display according to claim 2, wherein the transducer is used to correlate movement of the movable display to a change in position on a stored image.

4. Movable display according to claim 1, wherein the detecting means is configured to detect orientation of the movable display.

5. Movable display according to claim 1, wherein the correlating means includes:

a processor and associated memory.

6. Movable display according to claim 5, wherein the database is stored in a memory on board the movable display.

7. Movable display according to claim 5, wherein the information is stored in a database remote from the movable display.

8. Movable display according to claim 7, wherein the information stored remote to the movable display is accessed via a wired link.

9. Movable display according to claim 7, wherein the information stored remote to the movable display is accessed via a wireless link.

10. Method for displaying information related to a physical document, comprising:

detecting movement of a movable display relative to a first surface;

correlating movement of the movable display to information representing a portion of a first image stored in a database; and

presenting the information on the movable display.

11. The method according to claim 10, wherein a transducer is used to detect changes in orientation of the movable display.

12. The method according to claim 10, wherein the database is stored in a memory on board the movable display.

13. The method according to claim 10, wherein the information is stored in a database remote from the movable display.

14. The method according to claim 10, wherein the information is stored remote to the movable display and accessed via a wired link.

15. The method according to claim 10, wherein the information is stored remote to the movable display and accessed via a wireless link.

16. The method according to claim 12, wherein the first image is an image of a keyboard that can be operated using the moveable display.

17. The method according to claim 10, wherein a first portion of the first image is displayed at a first resolution and a second portion of the first image is displayed with a reduced resolution relative to the first resolution.

**EVIDENCE APPENDIX**

None.

**RELATED PROCEEDINGS APPENDIX**

None